

INTRADEPARTMENTAL CORRESPONDENCE
Los Angeles School Police Department

October 30, 2018

TO: Commanding Officer, Campus Services Bureau

FROM: Chief of Police

SUBJECT: CHIEF OF POLICE FINAL REVIEW AND RECOMMENDATIONS OF OFFICER INVOLVED SHOOTING NO. F056-17¹

SUMMARY:

On Saturday, July 22, 2017, at approximately 0239 hours, Uniformed LASPD Officers Jonathan Zibli #1335 and Mason Hill #1369, were driving their black and white patrol vehicle in the vicinity of 7th Street and Burlington Ave, just completing a check of a nearby LAUSD school. Zibli was the passenger officer and Hill was the driver officer. They observed suspect Andres Robles (Adult) walking on the north side of 7th street. The police vehicle was facing westbound in the number 2 lane (closest to curb) and Zibli's window was down. Both officers observed the suspect holding a possible weapon. Hill observed the weapon close to suspect Robles' neck but was not initially sure of the type of weapon. Zibli simultaneously observed suspect Robles holding a knife close to his side with a blade pointed up and yelled to Hill that suspect had a knife.

Officers Hill and Zibli quickly evaluated the situation and determined to investigate further. Hill (Driver) quickly positioned the police vehicle angled west of suspect Robles and broadcast their location. Robles took a step towards the Officers' vehicle at which time both Officers Hill and Zibli exited their vehicle and tactically redeployed, withdrew their service weapons, as they attempted to observe and begin dialogue with Robles. As the dialogue with suspect Robles began, Robles turned eastbound on the sidewalk and began a rapid pace retreat. Officer Hill maintained a visual contact and dialogue with Robles as Officer Zibli attempted to retrieve the Less Lethal Beanbag Shotgun (LLBS) from the police vehicle trunk. Zibli's attempt to extract the (LLBS) was unsuccessful. Due to an imminent concern for distancing between his partner Hill, who was following suspect Robles on foot, Zibli quickly entered the police vehicle and drove it a short distance to rejoin Hill E/B on 7th Street. After the police vehicle was repositioned, Officer Hill was able to extract the (LLBS) from the police vehicle trunk. Zibli exited the police vehicle and both Officers followed suspect Robles who continued to disobey officers' commands.

¹ The Chief of Police Final Review and Recommendations is established by a preponderance of evidence after a complete review of the LAPD FID submitted investigation and post-incident briefing, the LASPD's Use of Force Review Committee report, the review of current LASPD policies, training, tactics and practices, and legal considerations.

Robles then walked at a quicker pace northbound on Union Avenue from 7th Street, intermittently turning and facing both officers, with both officers followed Robles as they put out a backup call, request of airship. Officer Hill maintained possession of the LLBS.

Over the course of the next six (6) minutes, Suspect Robles continued to disobey the officers' commands to stop and drop the knife. During the ongoing rapid-pace following of suspect Robles, Robles continued into areas of public open businesses (drive-thru restaurant), a homeless encampment (commercial parking lot) and vehicle population at nearby intersection controlled by traffic lights. At each respective venue described above, suspect Robles actively attempted to engage citizens while armed with his knife, threatened a populated homeless encampment and attempted gain access to occupied vehicles.

During suspect Robles' attempts and engagements as described above, both Officers Hill and Zibli, via exchange of the LLBS during various sequences of their tactical deployments, discharged the LLBS at Robles to stop his life-threatening behavior towards citizens. During the attempt to enter an occupied vehicle stopped at the intersection Wilshire Bl. and Union Ave., and after attempts and commands by Officer Zibli for suspect to drop the knife and surrender, suspect Robles continued his attempt to enter the occupied vehicle, at which time an officer-involved shooting (Zibli) resulted in suspect Robles stopping his life-threatening behavior and suspect Robles being taken into custody a short distance away from the occupied vehicle.

Additional LASPD resources and LAPD resources responded to this incident shortly after the OIS. The suspect was transported to a local hospital and was treated for two gunshot wounds (resulting from the OIS) and numerous self-inflicted knife lacerations to the neck. No other citizens or officers were injured as a result of this incident.

A Post-Officer Involved Shooting incident investigation ensued with the response of LASPD supervisory and executive staff as well as LAPD support resources, and supervisors, the response of LAPD's Force Investigation Division, the District Attorney OIS Roll-Out Team and other investigative resources.

My Overall Final Review and Recommendations will address the following:

1. FINDINGS- Evaluated from three standpoints of all actions: leading up to; during; and following the OIS:
 - a) Tactics
 - b) Drawing/Exhibiting
 - c) Use of Force
2. ADDITIONAL CONSIDERATIONS-This will include any identified recommendations for:
 - a) Debriefing/Training Points
 - b) Department Policy/Procedure changes
 - c) Involved employee post-incident considerations

TACTICS:

Standard for Review:

The evaluation of tactics will look objectively at all actions and must be based on the totality of circumstances. The evaluation of tactics must consider that officers are required to make "split-second" decisions under very stressful and dynamic circumstances. Tactics are conceptual and are intended to be flexible and incident-specific.

The collective review of an incident to identify those areas of training where actions and decisions were consistent with current training practices and procedures learned through basic Peace Officer Standards and Training (POST) academy learning domains and LASPD advanced officer training (AOT). Employed Tactics are not Policy, but rather Procedure. To that end, evaluation of overall Tactics employed in any given situation will be procedurally-based classified as either:

1. *Approved-Tactical Debrief:* (Divisional Debrief) Consistent with current training and tactical guidelines.
2. *Approved-Informal Training:* (Advanced Officer Training-Training Unit)-Minor inconsistencies with current training or tactical guidelines.
3. *Disapproved-Formal Training:* (Advanced Officer Training-Training Unit or other POST-Certified Tactical Training Course) Tactics utilized unjustifiably or substantially deviated from current training or tactical guidelines.

DRAWING AND EXHIBITING:

Standard for Review:

An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's belief that there is substantial risk that a situation may escalate to the point where deadly force may be justified. At the point where an officer objectively believes that deadly force may not be justified the officer should secure the firearm as soon as safely practical.

Drawing and Exhibiting is not Policy, but rather Procedure. To that end, evaluation of overall actions related to drawing/exhibiting a firearm in any given situation will be procedurally-based classified as either:

1. *Approved-Debrief:* (Divisional Debrief) Consistent with current training and tactical guidelines.
2. *Approved-Informal Training:* (Advanced Officer Training-Training Unit) Minor inconsistencies with current training or tactical guidelines.
3. *Disapproved-Formal Training:* (Advanced Officer Training-Training Unit) Action utilized unjustifiably or substantially deviated from current training or tactical guidelines.

300.3 USE OF FORCE

Standard for Review:

Officers shall use only that amount of force that appears objectively reasonable given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose. The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that is objectively reasonable in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving. Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

300.4 DEADLY FORCE APPLICATIONS

Standard for Review:

Use of deadly force is justified in the following circumstances:

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible. Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:

- 1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.
- 2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

303.9 LESS LETHAL LAUNCHER GUIDELINES (terminology in this report was LLSG)

Standard for Review:

This Department is committed to reducing the potential for violent confrontations. Less Lethal Launchers (kinetic energy projectiles) when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

303.9.1 DEPLOYMENT AND USE

Only Department-approved less lethal munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The spine, head, and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

All Uses of Force are evaluated based on Policy as described above. To that end, evaluation of overall actions related to any use of force in any given situation will be policy-based classified as either:

1. *In Policy-Debrief:* (Divisional Debrief) Consistent with current training and tactical guidelines.
2. *In Policy- Informal Training:* (Advanced Officer Training-Training Unit) Minor inconsistencies with current training or tactical guidelines.
3. *Out of Policy- Formal Training or other Administrative Actions:* Action utilized unjustifiably or substantially deviated from current training or tactical guidelines.

My Overall Final Review and Recommendations are as follows:

Tactics:

Officer Zibli: *Approved-Tactical Debrief*

Officer Hill: *Approved-Tactical Debrief*

Debriefing/Training Point #1- Tactical Planning/Communication

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Debriefing/Training Point #2- Separation

• [REDACTED]

Drawing/Exhibiting:

Officer Zibli: *Approved- Debrief*

Officer Hill: *Approved- Debrief*

Use of Force: (Less Lethal)

Officer Zibli: *In Policy- Debrief*

Officer Hill: *In Policy- Debrief*

Debriefing/Training Point #3- Location / Distance of Suspect

• [REDACTED]
• [REDACTED]
• [REDACTED]

Use of Force: (Lethal)

Officer Zibli: *In Policy-Debrief*

Department Policy/Procedure Recommendations:

This incident brought to light the following issues, both which have resulted in procedural changes and training actions:

- All Department shoulder weapons shall have slings for proper multi-weapon donning and quick weapon platform transition. These items have been procured.
- By the direction of the Chief of Police, all employees who are shoulder weapon certified shall be trained in proper weapon platform transition and sling maneuvering.
- By the direction of the Chief of Police, a Department wide training message shall be disseminated to ensure all officers have knowledge of the time delay for the respective weapon rack/locks and releasing mechanisms.
- Commanding Officer shall resolve firearm qualification requirement [REDACTED].

Involved Employee Post-Incident Considerations:

Upon review of all reports, investigative materials, and evaluation of the incident, I am extremely pleased overall with the actions of Officers Zibli and Hill. Both officers acted with extreme patience and continually evaluated their tactical options and considerations. On more than one occasion, circumstances presented themselves based on imminent life-threatening actions by the suspect for officers to utilize deadly force. Both officers utilized extraordinary judgment, restraint and tactical prowess. Both officers' actions were consistent with the highest tradition of the Los Angeles School Police Department. The actions of both Officers Zibli and Hill should be considered for the respective Department recognitions via the Department's Commendations Committee.


STEVEN K. ZIPPERMAN
Chief of Police